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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SECURITIES AND EXCHANGE COMMISSION, Case No. 3:16-CV-03650-EMC

Plaintiff,

v.

ANDREW F. KERR,

Defendant.

**STIPULATION FOR ENLARGEMENT OF
TIME RE RESPONSE TO MOTION TO
DISMISS AND HEARING**

The parties file this stipulation to: (1) extend the time for Plaintiff Securities and Exchange Commission to respond to Defendant Andrew Kerr's motion to dismiss and for Mr. Kerr to reply; and (2) to change the hearing date on the motion to dismiss from September 29, 2016 to November 10, 2016.

As set forth in the attached declaration of Commission counsel Robert K. Levenson, the reason for the extension of time for the Commission to respond to the motion to dismiss is that Mr. Levenson began a two- to three-week trial on Monday, August 29, 2016 in United States District Court for the Southern District of Florida. Mr. Levenson, the sole Commission attorney handling the case against Mr. Kerr, will therefore not have the time to draft a response before the current deadline of September 6, 2016 for the Commission to file its response. The parties

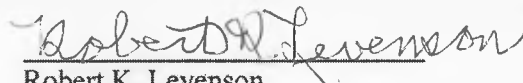
1 therefore agree to an enlargement of time for the Commission to file its response until September
 2 20, 2016. The parties also agree to a one-week extension of the normal time Mr. Kerr would
 3 have to reply under the Local Rules from September 27, 2016 to October 4, 2016.

4 The parties also request for several reasons the hearing on the motion to dismiss be
 5 moved back from the currently scheduled date of September 29, 2016 to November 10, 2016.
 6 First, it will give the Court additional time to review the pleadings and determine if it can rule on
 7 the papers, or if a hearing is necessary. Second, the parties are already scheduled to be in court
 8 on November 10 for the case management conference, and it would conserve time and resources
 9 if we could appear on the same date for both hearings. Particularly in the case of Mr. Levenson,
 10 it would reduce the cross-country travel for personal appearances from twice to once. Third, Mr.
 11 Levenson is unavailable on September 29 due to a prior family commitment.
 12

13 For those reasons, the parties stipulate and request that the Court approve the following
 14 deadlines:

15 September 20, 2016	Commission response to motion to dismiss due
16 October 4, 2016	Mr. Kerr's reply due
17 November 10, 2016 (1:30 p.m.)	Hearing on the motion to dismiss

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 19 Date: September 1, 2016

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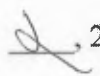
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PURSUANT TO STIPULATION, IT IS SO ORDERED.

In addition, the Case Management Conference will be reset from 9:30 a.m. to 1:30 p.m. on November 10, 2016. A joint CMC statement shall be filed by November 3, 2016.

September  2016

EDWARD M. CHEN
UNITED STATES

